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EXAMINER

NGUYEN, KHAI MINH

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/697,299	<b>Applicant(s)</b> SARKKINEN ET AL.	
	<b>Examiner</b> KHAI M. NGUYEN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,9,13,14 and 37-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,9,13-14, and 37-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-4, 9, 13 and 14 are currently being amended, and claims 37-65 are being added.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 64 and 65 are rejected under 35 U.S.C. 101 because the disclosed invention is the claimed invention is directed to non-statutory subject matter.**

Claims 64 and 65 recite a computer program product, embodied on a computer readable medium. Neither the claims (as originally filed) nor the specification, specifically define a computer readable medium. Claims are broad enough that computer readable medium includes non-statutory subject matter such as signals or carrier waves which are non-statutory subject matter.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9, 13-14, and 37-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Background of the invention (U.S.Pub-20040102212), in view of XP-002271691 (ETSI TS 122 146 V.5.2.0 (2003-03)), and further in view of Hans, Sebastian, Juergen (WO 01/80525).

Regarding claim 1, Background of the invention teaches a method, comprising:

receiving, at a terminal, a service notification from a data network ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service);

Background of the invention fails to specifically disclose requesting set up of a said terminal connection towards a network controlling device in response to the receipt of said service notification.

However, XP teaches requesting set up of a said terminal connection towards a network controlling device (fig.2) in response to the receipt of said service notification (pg.8, section 4.2.1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Background of the invention and XP fail sending a service indication via said terminal connection

However, Hans teaches sending a service indication via said terminal connection (pg.6, lines 27-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hans to Background of the invention and XP to provide an improved method of providing secure access to resources via a network.

Regarding claim 2, Background of the invention, XP and Hans further teach a method according to claim 1, wherein said service indication is set in a dedicated service indication message (see Hans, pg.3, lines 3-11).

Regarding claim 3, Background of the invention, XP and Hans further teach a method according to claim 1, wherein said service indication is sent in a message used for signaling a connection request or connection completion of said terminal connection (see Hans, pg.3, lines 3-11).

Regarding claim 4, Background of the invention, XP and Hans further teach a method according to claim 2, wherein said message is a radio resource control message (see Background of the invention, [0006] and [0009]).

Regarding claim 9, Background of the invention, XP and Hans further teach a method according to claim 1, wherein said service indication is sent in a direct transfer message (see Background of the invention, [0006] and [0009]).

Regarding claim 13, Background of the invention, XP and Hans further teach a method according to claim 1, wherein said terminal connection is a radio resource control connection (see Background of the invention, [0009] and [0010]).

Regarding claim 14, Background of the invention, XP and Hans further teach a method according to claim 1, wherein said service context is a multimedia broadcast multicast service context (see Background of the invention, [0009] and [0010]).

Regarding claim 37, Background of the invention teaches a method comprising:  
issuing a service notification to at least one terminal as a result of a creation of a service context ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service), said creation being initiated by a data network (not show);

Background of the invention fails to specifically disclose creation being initiated by a data network; forwarding to a node of the data network a service indication received via a terminal connection.

However, XP teaches creation being initiated by a data network (fig.2 (user initiated activation)); forwarding to a node (fig.2) of the data network a service indication received via a terminal connection (fig.2, service synchronization).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Background of the invention and XP fail to specifically disclose receiving from a subscriber control element a confirmation of authorized service activation; and establishing an association between said service context and said terminal connection based on a network response to said service indication.

However, Hans teaches receiving from a subscriber control element (item 4) a confirmation of authorized service activation (fig.6, pg.6, lines 27-32 (verify authentication response)); establishing an association between said service context and said terminal connection based on a network response to said service indication (fig., pg.8, lines 24-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hans to Background of the invention and XP to provide an improved method of providing secure access to resources via a network.

Regarding claim 38, Background of the invention, XP and Hans further teach a method according to claim 37, wherein said forwarding the service indication comprises forwarding an enhanced message from said network controlling device (see XP, fig.2,

pg.8, section 4.2.1) to the network node having initiated said service context creation (see Background of the invention, fig.2), said enhanced message requesting confirmation of authorization of the service of said service context (see Hans, fig.6, pg.6, lines 24-32).

Regarding claim 39, Background of the invention, XP and Hans further teach a method according to claim 37, wherein said network response comprises said confirmation of authorized service activation (see Hans, fig.6, pg.6, lines 24-32).

Regarding claim 40, Background of the invention, XP and Hans further teach a method according to claim 37, wherein said confirmation of authorized service activation (see Hans, fig.6, pg.6, lines 24-32) is provided by said subscriber control element upon a joining phase for multicast activation (see XP, fig.2, pg.8, section 4.2.1).

Regarding claim 41, Background of the invention, XP and Hans further teach a method according to claim 37, wherein said service indication is forwarded in a direct transfer message to a network node (see Background of the invention, [0009]-[0010]) having initiated said service context creation (see XP, fig.2, pg.8, section 4.2.1).

Regarding claim 42, Background of the invention, XP and Hans further teach a method according to claim 38, wherein said network node is a serving general packet radio service support node (see Background of the invention, [0006]).

Regarding claim 43, Background of the invention, XP and Hans further teach a method according to claim 40, wherein said subscriber control element (see XP, fig.2) is a serving general packet radio service support node (see Background of the invention,



[0006]), or a gateway general packet radio service support node (see Background of the invention, [0006]), or a network element controlled by a service provider (see Background of the invention, [0006]).

Regarding claim 44 is rejected same with the reasons of the set forth in claim 13.

Regarding claim 45 is rejected same with the reasons of the set forth in claim 14.

Regarding claim 46, Background of the invention, XP and Hans further teach a method according to claim 37, wherein said establishing step comprises adding said service indication into an active set of terminal connections (see Background of the invention, [0009]-[0010]) and generating an association between said terminal connection and said service context (see Background of the invention, [0009]-[0010]).

Regarding claim 47, Background of the invention, XP and Hans further teach a method according to claim 37, further comprising releasing said terminal connection if said network response indicates that the service of said service context is not confirmed (see Background of the invention, [0010]-[0011] and see XP, fig.2).

Regarding claim 48, Background of the invention, XP and Hans further teach a method according to claim 37, further comprising extracting said service indication from a connection request or connection complete message or from a dedicated message (see Background of the invention, [0009]-[0010] and see XP, fig.2).

Regarding claim 49, Background of the invention teaches a terminal device, said terminal device comprising a processor configured to:

receive a service notification from a data network ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service);

Background of the invention fails to specifically disclose set up a terminal connection towards a network controlling device in response to the receipt of said service notification.

However, XP teaches set up a terminal connection towards a network controlling device (fig.2) in response to the receipt of said service notification (pg.8, section 4.2.1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Background of the invention and XP fail send a service indication via said terminal connection in response to the receipt of said service notification.

However, Hans teaches send a service indication via said terminal connection in response to the receipt of said service notification (pg.6, lines 27-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hans to Background of the

invention and XP to provide an improved method of providing secure access to resources via a network.

Regarding claim 50, Background of the invention, XP and Hans further teach a device according to claim 49, wherein said processor is configured to send said service indication in a message used for signaling a connection request or a connection completion (see Background of the invention, [0009]-[0010], see XP, fig.2).

Regarding claim 51, Background of the invention, XP and Hans further teach a device according to claim 49, wherein said processor is configured to send said service indication in a dedicated message (see Background of the invention, [0009]-[0010], see XP, fig.2).

Regarding claim 52 is rejected same with the reasons of the set forth in claim 4.

Regarding claim 53 is rejected same with the reasons of the set forth in claim 9.

Regarding claim 54, Background of the invention, XP and Hans further teach a device according to claim 49, wherein said terminal device is a mobile terminal (see XP, fig.2).

Regarding claim 55, Background of the invention teaches a network controlling device, said network controlling device comprising a processor configured to:

issue a service notification to at least one terminal as a result of a creation of a service context ([0004]) transmitted from a single source to multiple terminal devices

or user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service), said creation being initiated by a data network (not show);

Background of the invention fails to specifically disclose creation being initiated by a data network; and forward to said data network a service indication received via a terminal connection.

However, XP teaches creation being initiated by a data network (fig.2 (user initiated activation)); and forward to said data network a service indication received via a terminal connection (fig.2, service synchronization, pg.8, section 4.2.1);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Background of the invention and XP fail to specifically disclose receive from a subscriber control element a confirmation of authorized service activation; and establish a link between the service context and the terminal connection based on a network response to said forwarded service indication.

However, Hans teaches receive from a subscriber control element (item 4) a confirmation of authorized service activation (fig.6, pg.6, lines 27-32 (verify authentication response)); and establish a link between the service context and the

terminal connection based on a network response to said forwarded service indication (fig.6, pg.6, lines 24-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hans to Background of the invention and XP to provide an improved method of providing secure access to resources via a network.

Regarding claim 56 is rejected same with the reasons of the set forth in claim 48.

Regarding claim 57 is rejected same with the reasons of the set forth in claim 4.

Regarding claim 58 is rejected same with the reasons of the set forth in claim 9.

Regarding claim 59, Background of the invention, XP and Hans further teach a device according to claim 55, wherein said processor is configured to forward said service indication in a radio access network application protocol message (see Background of the invention, [0009]).

Regarding claim 60, Background of the invention, XP and Hans further teach a device according to claim 59, wherein said radio access network application protocol message is an initial user equipment message (see Background of the invention, [0009]-[0010], see XP, fig.2).

Regarding claim 61, Background of the invention, XP and Hans further teach a device according to claim 55, wherein said processor is further configured to add said service indication into an active set of terminal connections and to generate an

association between said terminal connection and said service context (see Background of the invention, [0009]-[0010]).

Regarding claim 62, Background of the invention, XP and Hans further teach a device according to claim 55, wherein said network controlling device is a radio network controller (see Background of the invention, [0006]).

Regarding claim 63, Background of the invention teaches a system for establishing a link between a service context and a terminal connection, said system comprising:

a terminal device (UE (user equipment)), said terminal device comprising a processor configured to:

receive a service notification from a data network ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service);

a network controlling device ([0006]), said network controlling device comprising a processor configured to:

issue a service notification to at least one terminal as a result of a creation of a service context ([0004]) transmitted from a single source to multiple terminal devices or

user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service), said creation being initiated by a data network (not show);

Background of the invention fails to specifically disclose creation being initiated by a data network; set up a terminal connection towards a network controlling device in response to the receipt of said service notification; and send a service indication via said terminal connection in response to the receipt of said service notification; and forward to said data network a service indication received via a terminal connection.

However, XP teaches creation being initiated by a data network (fig.2 (user initiated activation)); set up a terminal connection (fig.2) towards a network controlling device in response to the receipt of said service notification (fig.2, service synchronization and user initiated activation); and send a service indication (fig.2 (user initiated activation)) via said terminal connection in response to the receipt of said service notification (fig.2, pg.8, section 4.2.1); and forward to said data network a service indication received via a terminal connection (fig.2, pg.8, section 4.2.1).

forwarding to a node (fig.2) of the data network a service indication received via a terminal connection (fig.2, service synchronization); and establishing an association between said service context (fig.2) and said terminal connection based on a network response to said service indication (pg.8, section 4.2.1);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Background of the invention and XP fail to specifically disclose receive from a subscriber control element a confirmation of authorized service activation; and establish a link between the service context and the terminal connection based on a network response to said forwarded service indication.

However, Hans teaches receive from a subscriber control element a confirmation of authorized service activation (fig.6, pg.6, lines 27-32 (verify authentication response)); and establish a link between the service context and the terminal connection based on a network response to said forwarded service indication (fig.6, pg.6, lines 24-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hans to Background of the invention and XP to provide an improved method of providing secure access to resources via a network.

Regarding claim 64, Background of the invention teaches a computer program product, embodied in a computer readable medium, for establishing a link between a service context of a service provided to a terminal device and a terminal connection with a network controlling device of a data network, said computer program product comprising:



computer code configured to receive a service notification from the data network ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service);

Background of the invention fails to specifically disclose computer code configured to set up said terminal connection in response to a service notification received from said data network.

However, XP teaches computer code configured to set up said terminal connection in response to a service notification received from said data network (pg.8, section 4.2.1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Background of the invention and XP fail computer code configured to send a service indication via said terminal connection.

However, Hans teaches computer code configured to send a service indication via said terminal connection (pg.6, lines 27-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hans to Background of the

invention and XP to provide an improved method of providing secure access to resources via a network.

Regarding claim 65, Background of the invention teaches a computer program for establishing a link between a service context created by a data network and a terminal connection with a network controlling device, said computer program being embodied on a computer readable medium, said computer program product comprising:

computer code configured to issue a service notification to at least one terminal as a result of a creation of a service context ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service), said creation being initiated by the data network (not show);

Background of the invention fails to specifically disclose creation being initiated by a data network; and computer code configured to forward to said data network a service indication received via said terminal connection.

However, XP teaches creation being initiated by a data network (fig.2 (user initiated activation)); computer code configured to forward to said data network a service indication received via said terminal connection (fig.2, pg.8, section 4.2.1);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Background of the invention and XP fail to specifically disclose computer code configured to establish said link on the basis of a network response to said service indication.

However, Hans teaches computer code configured to establish said link on the basis of a network response to said service indication (fig.6, pg.6, lines 27-32 (verify authentication response)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hans to Background of the invention and XP to provide an improved method of providing secure access to resources via a network.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

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/Khai M Nguyen/  
Examiner, Art Unit 2617

5/11/2009